

REMARKS/ARGUMENTS

Claims 2-12 remain active in the application.

A computer engendered translation of JP 05-294376A accompanies this response.

Claims 7, 8, 10, and 11 are amended to specify that packaging container comprises an embossed sheet or carrier tape. Basis appears at page 10, the paragraph at line 13. This is a well known structure, please see Miyamoto et al. U.S. 5,208,103, of record, the paragraph at line 18 of column 1.

Claim 12 is amended to expressly recite the implied antecedent, since referred to Claim 4 defines a sheet.

Re: The Rejections

Double Patenting

Reconsideration and withdrawal of the provisional rejection of Claims 2, 8 and 9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 8 and 10 of copending Application No. 10/343,308 in view of Bird et al. (U.S. 5,857,572) are requested.

The justification for the rejection is the following:

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the strip portion of Bird as the base layer in the carrier tapes of the '308 application in order to make them less expensively.

However, Bird et al. do not disclose, in their specification, the base layer recited in subject Claims 2, 8 and 9. These all require that the base layer contain 70-95% polyethylene terephthalate type resin and 5-30 wt.% polycarbonate type resin. No example of a blend of polycarbonate resin with any other of the many very different types of resins appears in the referred to col. 6, lines 14-22, of Bird et al., nor elsewhere therein. Certainly, the above-noted relative amounts of the two recited resins are not recited in Bird et al. nor criteria (light

transmittance, cloudiness, impact strength and post-formability) for their determination.

Indeed, the stated reasons for the rejection do not address those issues which form the basis for the recited claim features.

Moreover the strip layer of Bird et al. is foamed, col. 5, the paragraph at line 60, and elsewhere. It would therefore not be suitable for the sheets of S.N. 10/343,308, Claims 8 and 10. Those claims do not specify a foamed sheet.

Applicants sheets have the useful property of transparency due to their high light transmittance, so that "it is possible to observe the state of the stored IC from the outside", page 19, lines 6-8, i.e., through the sheet. This is clearly not the case for the foamed sheet of Bird et al.

In addition, Bird et al. require both a bottom strip and a cover strip, note sheets 26 and 28 in Fig. 2.

Further, the Bird et al. strip is not post-formable, note col. 7, lines 22-29.

The expressed rejection for double patenting is therefore requested to be withdrawn.

Reconsideration and withdrawal of the rejection of Claims 3-7 and 10-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 8 and 10 of copending Application No. 10/343,308 in view of Bird et al. (U.S. 5,857,572) and Kitaoka.

Since the combination of Claims 8 and 10 of copending the application with Bird et al. do not lead to the here claimed invention, as expounded above, apart from the antistatic coating for the disclosure of which Kitaoka is applied. The further presence of such a coating assertedly shown by Kitaoka, does not aid the rejection. Withdrawal of the stated rejection is therefore requested.

Reconsideration and withdrawal of the rejection of Claims 2-21 under 35 U.S.C. § 103(a) as being unpatentable over JP 05-294376A (abstract) in view of Bird and Kitaoka are requested.

It is observed that "2-12" was probably intended, rather than "2-21".

As noted above, a computer translation of JP 05-294376A accompanies this response. Please note that the term "KYARIATE-PU" in the translation means "carrier tape".

Justification for the rejection is expressed as follows:

The Japanese abstract teaches carrier tapes having a foamed sheet laminated on the inner surface of a thermoplastic PC sheet (first and second paragraphs of the abstract). It fails to teach blends of PC and PET resins or antistatic coatings.

Bird and Kitaoka are discussed above.

The three references are analogous because they all deal with carrier tapes.

It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the blends of Bird in the foam layer of the Japanese abstract's tapes and to coat the tapes with the antistatic coatings of Kitaoka in order to make them inexpensively (per Bird) and minimize unevenness in sealing strength (per Kitaoka).

The stated rejection does not defeat the claims for the following reasons.

(1) Independent Claims 4 and 8 call for "a surface layer containing a polycarbonate resin, formed on at least one side of the base layer".

The conductive foam resin sheet laminated to the carrier tape, which is the base layer tape of the JP 05-294376A disclosure, would, after the modification not be a polycarbonate resin as such.

(2) The foam of the Japanese disclosure is applied to the already formed carrier tape, and is therefore not the base layer. Hence, its modification does not meet the requirement of the claims that the base layer be that defined as in the claims. The Official Action offers no justification for terming the foam layer as a base layer in face of the fact that it is relied on

according to the JP disclosure not for tape strength but simply as a layer to "protect electronic parts from damage by impact," etc.

(3) Further, as pointed out above Bird does not teach or suggest the blends recited for the base layer composition. Hence, in Applicants' view, the rejection must fail for that reason alone.

(4) The foam layers of the JP document do not possess the transparency (because they are foams) and formability of Applicants' base layers, as discussed above in connection with the Bird et al. foams.

Withdrawal of the stated rejection is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Milton Sterman
Registration No. 27,499

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

NFO/MNS:sjh